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EXAMINER

GAUTHIER, GERALD

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2645

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,078

Applicant(s)

VUORI, PETRI

Examiner

Gerald Gauthier

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D2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5. 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson (US 6,215,859).

Regarding **claim 1**, Hanson discloses a delivery of urgent messages by integrated forced delivery (column 1, lines 7-10), (which reads on claimed “a method for use in a telecommunications network for providing messages between users”), comprising the steps of:

receiving a voice message (column 2, line 43 “leave a message”) from a first terminal spoken by a first user (column 2, line 43 “calling party”) for a second user (column 2, line 41 “called party”) at a second terminal (column 2, lines 40-44) [The calling party leave a message for the called party in the voicemail system];

checking availability (column 2, line 41 "line is busy") of the second terminal (column 2, lines 40-44) [If the called party line is busy the voicemail system answers the call]; and

immediately sending the received voice message to the second terminal if available (column 2, lines 54-60) [For urgent delivery the voice mail system queues the messages for the next delivery attempt].

Regarding **claims 2 and 9**, Hanson discloses further comprising the step of storing the voice message until the step of checking availability determines the second terminal is available (column 2, lines 54-60).

Regarding **claims 3, 10 and 16**, Hanson discloses the step of notifying the second user at the second terminal of the received voice message from the first user prior to the step of immediately sending (column 2, lines 54-60).

Regarding **claims 4, 11 and 16**, Hanson discloses wherein the step of immediately sending the received voice message to the second terminal is carried out only after the second user signals acceptance (column 2, lines 54-67).

Regarding **claims 5 and 12**, Hanson discloses receiving a voice message from the second terminal spoken by the second user (column 3, lines 3-10); and

immediately sending the received voice message to the first terminal (column 2, lines 10-23).

Regarding **claims 6 and 13**, Hanson discloses the step of checking the availability of the first terminal before carrying out the step of immediately sending the received voice message to the first terminal (column 3, lines 36-54).

Regarding **claims 7 and 14**, Hanson discloses the step of storing the received voice message in the second terminal for playback by the second user at the convenience of the second user (column 3, lines 24-35).

Regarding **claim 8**, Hanson discloses a delivery of urgent messages by integrated forced delivery (column 1, lines 7-10), (which reads on claimed "an apparatus for use in a telecommunications network for providing messages between users"), comprising:

means (column 2, line 42 "voice mail system") for receiving a voice message (column 2, line 43 "leave a message") from a first terminal spoken by a first user

(column 2, line 43 “calling party”) for a second user (column 2, line 41 “called party”) at a second terminal (column 2, lines 40-44) [The calling party leave a message for the called party in the voicemail system];

means (column 2, line 42 “voice mail system”) for checking availability (column 2, line 41 “line is busy”) of the second terminal (column 2, lines 40-44) [If the called party line is busy the voicemail system answers the call]; and

means (column 2, lines 54-55 “voice mail system”) for immediately sending the received voice message to the second terminal if available (column 2, lines 54-60) [For urgent delivery the voice mail system queues the messages for the next delivery attempt].

Regarding **claim 15**, Hanson discloses a delivery of urgent messages by integrated forced delivery (column 1, lines 7-10), (which reads on claimed “a voice message system including a plurality of terminals and a voice message service center”), the service center comprising:

means (column 2, line 42 “voice mail system”) for receiving a voice message (column 2, line 43 “leave a message”) from a first user terminal (column 2, lines 40-44) [The calling party leave a message for the called party in the voicemail system];

means (column 4, line 36 "recipient's mailbox") for storing the received voice message from the first terminal (column 4, lines 30-36) [The message is recorded in the recipient mailbox];

means (column 4, line 45 "a stutter dial tone") for checking availability of an intended second user at a second terminal (column 4, lines 40-45) [The system sends a signal for activating a message waiting indicator];

means (column 4, line 56 "voice-messaging system") for sending the stored received message from the first terminal to the second terminal if the second terminal is available (column 4, lines 56-64) [The system delivers the urgent message to all the recipients].

Regarding **claim 17**, Hanson discloses means for receiving the voice message at the first user terminal spoken by a first user for providing the voice message from the first user terminal to the means for receiving the voice message at the service center (column 4, lines 30-36);

means for storing voice messages including the voice message spoken by the first user (column 4, lines 35-40);

means for receiving a designation signal from the first user designating a second user as an intended recipient (column 4, lines 40-45);

means for retrieving the stored voice message in response to the designation signal for providing the voice message retrieved from storage and the designation signal (column 4, lines 56-64); and

means for sending the voice message retrieved from storage and the designation signal to the second user of the voice message system as an outgoing voice message (column 4, lines 56-64).

Regarding **claim 18**, Hanson discloses means for receiving an incoming voice message from the second user for storage in the means for storing SVMs (column 4, lines 30-36); and

means for playback of the incoming voice message to the first user after retrieval from the means for storing voice messages by the means for retrieving stored voice messages (column 4, lines 40-45).

Regarding **claim 19**, Hanson discloses means for receiving notification of the incoming voice message from the second user for display or notification thereof to the first user (column 4, lines 45-55); and

means responsive to an acceptance indication input signal from the first user for sending the acceptance indication input signal for use in the voice message system in



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deciding whether to send the incoming voice message from the second user to the first user (column 4, lines 56-64).

Regarding **claim 20**, Baker discloses wherein the means for receiving the voice message spoken by the first user includes voice recognition means for recognizing the voice message spoken by the first user for providing the voice message as a text message for storage in and retrieval from the means for storing voice messages as a text message for transmission as an outgoing text voice message via a short message service center (column 3, lines 7-19).

Regarding **claim 21**, Baker discloses wherein the means for receiving an incoming voice message from the second user may include means for receiving an incoming text voice message for storage in the means for storing voice messages as a text message and wherein the means for playback of the incoming text voice message is for displaying the incoming text message on a display of the user equipment (column 3, lines 7-19).

Regarding **claim 22**, Baker discloses wherein the means for receiving an incoming voice message from the second user is means for receiving an incoming text voice message for storage in the means for storing voice messages as a text message

and wherein the means for retrieving the stored voice message is also for converting the retrieved voice message to a voice signal for playback on a means for playback as an enunciated voice message (column 3, lines 7-24).

3. **Claims 23-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 6,507,735).

Regarding **claim 23**, Baker discloses an automated short message attendant (column 1, lines 7-11), (which reads on claimed "a user equipment for use in a voice message system"), comprising:

means (23 on FIG. 1) for receiving a short voice message spoken (column 3, line 15 "a spoken message") by a first user (column 3, lines 7-17) [The service node provides calling party to leave a short message delivered];

means (27 on FIG. 1) for storing SVMs including the SVM spoken by the first user (column 3, lines 17-19) [The short message service stores the messages for wireless subscriber];

means (column 3, line 26 "call processing") for receiving a designation signal (column 3, line 27 "a call") from the first user designating a second user (column 3, line 27 "a subscriber") as an intended recipient (column 3, lines 25-29) [The call processing receives call for a subscriber];

means (column 4, lines 27-28 "voicemail system") for retrieving the stored SVM in response to the designation signal for providing the SVM retrieved from storage and the designation signal (column 4, lines 26-33) [The subscriber gets the message as soon as the unit is available]; and

means (column 4, line 34 "the system") for sending the SVM retrieved from storage and the designation signal to the second user of the voice message system as an outgoing SVM (column 4, lines 34-43) [The system tracks the subscriber to send the short message to the subscriber].

Regarding **claim 24**, Baker discloses means for receiving an incoming SVM from the second user for storage in the means for storing SVMs (column 2, lines 62-65); and

means for playback of the incoming SVM to the first user after retrieval from the means for storing SVMs by the means for retrieving stored SVMs (column 3, lines 2-6).

Regarding **claim 25**, Baker discloses means for receiving notification of the incoming SVM from the second user for display or notification thereof by the user equipment (column 3, lines 7-17); and

means responsive to an acceptance indication input signal from the first user for sending the acceptance indication input signal for use in the voice message system in

deciding whether to send the incoming SVM from the second user to the user equipment of the first user (column 3, lines 14-19).

Regarding **claim 26**, Baker discloses wherein the means for receiving the SVM spoken by the first user is voice recognition means for providing the SVM as a text message for storage in and retrieval from the means for storing SVMs as a text message for transmission as an outgoing text SVM via a short message service (SMS) center (column 3, lines 7-19).

Regarding **claim 27**, Baker discloses wherein the means for receiving an incoming SVM from the second user is means for receiving an incoming text SVM for storage in the means for storing SVMs as a text message and wherein the means for playback of the incoming text SVM is for displaying the incoming text message on a display of the user equipment (column 3, lines 7-24).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yu et al. is cited for a method for supporting short messages (FIG. 4).

Corriveau et al. is cited for a method of handling short message service (FIG. 3).

Hult et al. is cited for a flow control of short message service (FIG. 1).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.

March 23, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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